Renico (Warden) v. Lett
--- U.S. --- (2010)
Decided May 3, 2010

FACTS: Lett was charged with first degree murder and related charges, in Michigan, in 1996. His trial spanned six days, but only took a total of 9 hours, excluding deliberations. Deliberations began on June 12, 1997 and over two days, the jury sent out several notes, including a question as to what would occur if they could not agree. Shortly after noon on the second day, the judge brought the jury back into the courtroom to address the matter. The jury agreed that it was deadlocked, after being pressured for an answer by the judge. The judge declared a mistrial, dismissed the jury and set a new trial date. Neither the prosecution nor the defense objected. At the second trial, in November, 1997, Lett was convicted after under 4 hours of jury deliberation, of second-degree murder.

Lett appealed to the Michigan appellate courts, arguing that the mistrial was unnecessary and as such, he was entitled to the Double Jeopardy bar. The Michigan Court of Appeals agreed and reversed his conviction. The Michigan Supreme Court reversed the lower court and reinstated the conviction. Lett petioned for habeas corpus in the federal court, which the District Court granted. The Sixth Circuit affirmed that decision. Michigan petitioned for review, and the U.S. Supreme Court granted certiorari.

ISSUE: May a trial court judge declare a mistrial, when they find there is a manifest necessity to do so, without triggering Double Jeopardy?

HOLDING: Yes

DISCUSSION: The Court framed the question, and noted that the "clearly established Federal law" was "largly undisputed." In U.S. v. Perez, the Court agreed that "when a judge discharges a jury on the grounds that the jury cannot reach a verdict, the Double Jeopardy Clause does not bar a new trial for the defendant before a new jury."[1] The trial judge has the discretion to declare a mistrial whenever they find there is a "manifest necessity" to do so. Perez cautioned, however, that this power was to be exercised "with the greatest caution, under urgent circumstances, and for very plain and obvious causes." Later cases, however, have modified that ruling to some extent, [2] giving more latitude to the trial judge. Great deference is given to the judge's decision, in particular, when it comes to concluding a jury is deadlocked, and noted that to find otherwise might cause a judge to put undue pressure on a jury to reach a decision, to the detriment of the defendant.

Further, the Court had never required a trial judge to make an explicit, written finding or to put on the record the factors that led to the decision to declare a mistrial. Prior decisions had not required that the jury deliberate a minimum amount of time, that the jurors be questioned individually, or the judge to consult with, or obtain consent from, either the prosecutor or defense attorney, or to "consider any other means of breaking the impasse." To this date, the Court noted,

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[1] 9 Wheat. 579, 22 U.S. 579 (1824)
[2] See Arizona v. Washington, 434 U.S. 497 (1978); Illinois v. Somerville, 410 U.S. 458 (1973); Gori v. U.S., 367 U.S. 364 (1961).

the Court had never overturned a judge's decision to declare a mistrial on the basis of manifest necessity.

However, in this matter, the federal court could only intervene if the Michigan Supreme Court's decision was unreasonable. The Court noted that the Michigan court's decision "involved a straightforward application of … longstanding precedent to the facts of Lett's case." Michigan had found no abuse of discretion by the trial judge. The Sixth Circuit had speculated on the judge's interpretations of the jury's actions, which the Court found to be improper.

The Court ruled that federal law prevented defendants from using federal habeas review to "second-guess the reasonable decisions of state courts." The Court found the Michigan Supreme Court's ruling, which reinstated Lett's conviction, to be not unreasonable. The Sixth Circuit's decision was reversed and the case remanded.

FULL TEXT OF OPINION: http://www.supremecourt.gov/opinions/09pdf/09-338.pdf